



**Tomahawk REA Ltd.**

**Varied Code of Conduct Regulation  
Compliance Plan Amendments**

**March 24, 2021**

**Alberta Utilities Commission**

Decision 26235-D01-2021

Tomahawk REA Ltd.

Varied Code of Conduct Regulation

Compliance Plan Amendments

Proceeding 26235

Application 26235-A001

March 24, 2021

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The Commission may, within 30 days of the date of this decision and without notice, correct typographical, spelling and calculation errors and other similar types of errors and post the corrected decision on its website.

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## **1 Introduction**

1. Tomahawk REA Ltd. filed an application with the Alberta Utilities Commission on January 13, 2021, requesting approval of amendments to its varied code of conduct compliance plan, pursuant to the *Code of Conduct Regulation*,<sup>1</sup> and Rule 030: *Compliance with the Code of Conduct Regulation*.
2. The Commission issued a notice of application on January 19, 2021, asking for statements of intent to participate by February 3, 2021. No submissions were received by the deadline.
3. The Commission considers the record of this proceeding to have closed on February 3, 2021.
4. In reaching the determinations contained within this decision, the Commission has considered all relevant materials comprising the record of this proceeding. Accordingly, references in this decision to specific parts of the record are intended to assist the reader in understanding the Commission's reasoning relating to a particular matter and should not be taken as an indication that the Commission did not consider all relevant portions of the record with respect to that matter.

## **2 Background**

5. Subsection 37(1)(a) of the *Code of Conduct Regulation* authorizes the Commission to make a rule to vary the requirements of Subsection 30(4) "in the case of a distributor with a small number of customers...".
6. On March 31, 2016, the Commission issued Bulletin 2016-11: *Rule 030: Compliance with the Code of Conduct Regulation*, approving Rule 030, which came into effect April 1, 2016. Subsection 3(1) of Rule 030 provides that a distributor that has 5,000 customers or less may file a varied compliance plan.
7. In Decision 21657-D01-2016,<sup>2</sup> Tomahawk's submission of a varied compliance plan was approved.
8. Subsection 32(2) of the *Code of Conduct Regulation* states:  
  
A change to a compliance plan must be submitted to the Commission for approval
  - (a) within 60 days following a change in circumstances or an amendment to this Regulation that requires a change to a compliance plan, or

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<sup>1</sup> Alberta Regulation 58/2015, as amended.

<sup>2</sup> Decision 21657-D01-2016: Tomahawk Rural Electrification Association Limited – Varied Code of Conduct Compliance Plan, Application 21657-A001, Proceeding 21657, December 22, 2016.

- (b) as soon as practicable when a change to the plan is made for a reason other than a reason referred to in clause (a).

9. In its current application, Tomahawk submitted that it has signed a distribution system operator and regulated rate option agreement with Battle River Power Co-op, effective January 5, 2021. Tomahawk has also changed its Compliance officer from Edward Machuk (Tomahawk Board Director) to Melanie deJong (Tomahawk Administrator/Secretary).

10. Tomahawk submitted a revised version of its varied compliance plan, incorporating the aforementioned changes, for approval from the Commission.

### **3 Findings**

11. Subsection 32(3) of the *Code of Conduct Regulation* states:

On receipt of a proposed change to a compliance plan, the Commission may

- (a) approve the proposed change, with or without changes and with or without conditions,
- (b) direct other changes to be made to the compliance plan, or
- (c) refuse to approve the proposed change.

12. The Commission finds that the changes made to Tomahawk's varied compliance plan are consistent with continued compliance with, and sufficiently address the requirements of, the *Code of Conduct Regulation*, and Rule 030.

### **4 Order**

13. It is hereby ordered that:

- (1) The Tomahawk REA Ltd.'s Varied *Code of Conduct Regulation* Compliance Plan, attached to this decision as Appendix 1, is approved effective January 5, 2021.

Dated on March 24, 2021.

### **Alberta Utilities Commission**

*(original signed by)*

Carolyn Hutniak  
Commission Member

Attachment

## Appendix 1 – Tomahawk REA Varied Code of Conduct Regulation Compliance Plan



Tomahawk Varied  
Compliance Plan

**Tomahawk Rural Electrification Association Limited**  
**Code of Conduct Regulation (AR 58/01/05/2021)**  
**Compliance Plan (Varied)**

**1.0 Introduction**

1.1 Tomahawk Rural Electrification Association Limited (Tomahawk REA) is a distributor of electricity. This compliance plan has been prepared as a varied compliance plan in accordance with AUC Rule 030: *Code of Conduct*, Section 3. Tomahawk REA has 696 members to which it provides regulated rate services and which is less than the 5,000 limit, as specified in Section 3(1) of Rule 030. Tomahawk REA has entered into an Electric Distribution System Operator Agreement with Battle River Power Coop (“BRPC”) and adopts BRPC’s compliance plan, as applicable.

1.2 The contact for any compliance matters is:

Name: Melanie deJong

Position: Administrator, Tomahawk REA

Address: Box 10030 RPO Black Gold, Drayton Valley, AB T7A 1W5

Phone Number: 780-514-8732

Email: compliance.trea@gmail.com

**2.0 Affiliated Providers**

2.1 BRPC is the regulated rate provider to Tomahawk REA as defined in Section 1(1)(o) of the *Code of Conduct Regulation*.

2.2 Tomahawk REA has made arrangements with the following retailers to provide retail energy services to Tomahawk REA members:

- Alberta Cooperative Energy
- Direct Energy
- Hudson Energy Canada Corp.
- Just Energy Alberta L.P.
- Link Energy Supply Inc.
- Spot Power

Tomahawk REA is not affiliated with any of the above retailers.



### **3.0 Information about Complaints**

- 3.1 Tomahawk REA will inform the public and provide the following notice of how complaints about the contraventions of the Regulation or this compliance plan may be made to the Commission or the Market Surveillance Administrator on its website ([www.tomahawkrea.com](http://www.tomahawkrea.com)):

*“Complaints about contraventions of the Code of Conduct Regulation may be made to the Alberta Utilities Commission or the Market Surveillance Administrator. The Alberta Utilities Commission can be reached by contacting 310-4AUC (310-4282) in Alberta (or 403-592-4500) or outside of Alberta is 1-833-511-4282 or [info@auc.ab.ca](mailto:info@auc.ab.ca). The Market Surveillance Administrator can be reached by contacting 1-403-705-3181 or [compliance@albertamsa.ca](mailto:compliance@albertamsa.ca). The Alberta Utilities Commission and the Market Surveillance Administrator are independent of Tomahawk REA and the regulated rate suppliers and affiliated providers.”*

- 3.2 Tomahawk REA will report to its board of directors within 30 days, any non-compliance with the *Regulation* and this compliance plan, the action taken to remedy any non-compliance, and any complaints of non-compliance and how the complaints have been dealt with.

No later than March 31 each year, the compliance officer will send the Commission an annual compliance report that has been approved by the board of directors for the previous calendar year which will include any non-compliance, complaints and remedies from the quarterly reports.

- 3.3 Tomahawk REA’s compliance officer will keep a record of all complaints regarding non-compliance with its plan or the *Regulation* for a minimum of six years.